

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal Case No. 04-80370
Hon. John Corbett O'Meara

ALI ABDUL KARIM FARHAT, et al.,

Defendants.

ORDER DENYING WITHOUT PREJUDICE DEFENDANT ABDUL HALIM BERRO'S MARCH 1, 2005 MOTION FOR SEPARATE TRIAL

Defendant Abdul Halim Berro has been joined with eleven co-defendants in a complaint alleging a multi-part fraud conspiracy. On March 1, 2005, Defendant filed a motion for a separate trial, claiming that his alleged acts arose from different transactions than the acts of his co-defendants. The government responded on March 15, 2005. A number of Berro's co-defendants have joined in this motion. The court, having reviewed the submissions of the parties, finds that Defendant was not improperly joined pursuant to Federal Rule of Criminal Procedure 8(b) because his acts was included in the same series of acts or transactions as the other defendants. The court further finds that Defendant's motion for severance pursuant to Rule 14(a) is prematurely filed. It is conceivable that Defendant might be able to show substantial prejudice, but the court is not prepared to rule on this matter at this time.

Accordingly, **IT IS HEREBY ORDERED** that Defendant Abdul Halim Berro's March 1, 2005 Motion for Separate Trial is **DENIED WITHOUT PREJUDICE**.

s/John Corbett O'Meara

John Corbett O'Meara
United States District Judge

Dated: May 6, 2005